

# Senate Study Bill 3188 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
CHAIRPERSON DVORSKY)

## A BILL FOR

1 An Act relating to the types of containers included under the  
2 beverage container control laws and the reimbursement amount  
3 paid by a distributor for empty beverage containers and  
4 making appropriations.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455C.1, subsections 1 and 2, Code  
2 Supplement 2011, are amended to read as follows:

- 3 1. "Beverage" means includes but is not limited to wine as  
4 defined in section 123.3, subsection 47, alcoholic liquor as  
5 defined in section 123.3, subsection 5, and beer all as defined  
6 in section 123.3, subsection 7, mineral water, soda water and  
7 similar carbonated soft drinks and any nonalcoholic carbonated  
8 and noncarbonated drinks, in liquid form and intended for human  
9 consumption. "Beverage" does not include any of the following:
- 10 a. Fruit and vegetable juice and drink products.  
11 b. Grade 'A' milk and milk products as specified in the  
12 grade 'A' pasteurized milk ordinance, as provided in section  
13 192.102.
- 14 c. A liquid that is any of the following:  
15 (1) A syrup.  
16 (2) In a concentrated form.  
17 (3) Typically added as a minor flavoring ingredient in  
18 food or drink, such as extracts, cooking additives, sauces, or  
19 condiments.
- 20 d. A liquid that is ingested in very small quantities and  
21 consumed for medicinal purposes only.
- 22 e. A liquid that is designed and consumed only as a  
23 nutritional supplement, as defined by the department, and not  
24 as a beverage.
- 25 f. Products frozen at the time of sale to the consumer,  
26 or, in the case of institutional users such as hospitals and  
27 nursing homes, at the time of sale to such users.
- 28 g. Products designed to be consumed in a frozen state.  
29 h. Instant drink powders.  
30 i. Seafood, meat, or vegetable broths or soups.  
31 j. Farm-produced apple cider that has not been heated,  
32 pasteurized, or otherwise processed.
- 33 k. Infant formula.
- 34 2. "Beverage container" means any sealed glass, plastic,  
35 or metal bottle, can, jar, or carton containing a beverage.

1 "Beverage container" does not include any of the following:

2 a. A bottle, can, jar, or carton of three liters or more in  
3 size containing a noncarbonated beverage.

4 b. A bottle, can, jar, or carton made of high-density  
5 polyethylene.

6 Sec. 2. Section 455C.2, subsection 2, Code 2011, is amended  
7 to read as follows:

8 2. In addition to the refund value provided in subsection  
9 ~~1 of this section~~, a dealer, or person operating a redemption  
10 center who redeems empty beverage containers or a dealer agent  
11 shall be reimbursed by the distributor required to accept  
12 the empty beverage containers an amount which is one cent  
13 per container. However, the distributor shall provide an  
14 additional one cent reimbursement for each beverage container  
15 made of plastic. A dealer, dealer agent, or person operating a  
16 redemption center may compact empty metal beverage containers  
17 with the approval of the distributor required to accept the  
18 containers.

19 Sec. 3. APPROPRIATION. There is appropriated from the  
20 general fund of the state to the department of natural  
21 resources for the fiscal year beginning July 1, 2012, and  
22 ending June 30, 2013, the following amount, or so much thereof  
23 as is necessary, to be used for the purposes designated:

24 For administering chapter 455C, including salaries, support,  
25 maintenance, and miscellaneous purposes:

26 ..... \$ 10,000

27 EXPLANATION

28 This bill relates to the types of containers included under  
29 the beverage container control laws and the reimbursement  
30 amount paid by a distributor for empty beverage containers.

31 The bill expands the list of beverages whose containers are  
32 regulated under Code chapter 455C, commonly referred to as  
33 the bottle bill. The newly regulated beverages include any  
34 nonalcoholic, carbonated and noncarbonated drinks excluding  
35 fruit and vegetable juices and fruit drinks and grade "A" milk

1 and milk products as specified in the grade "A" pasteurized  
2 milk ordinance. The bill also includes a list of other  
3 exceptions to the newly regulated beverages.

4 The bill limits the type of bottles, cans, jars, and cartons  
5 that are included under the definition for the term "beverage  
6 container". The bill excludes from the term bottles, cans,  
7 jars, and cartons of three liters or more in size containing  
8 a noncarbonated beverage and bottles, cans, jars, and cartons  
9 made of high-density polyethylene.

10 The reimbursement amount, commonly referred to as a handling  
11 fee, is paid by the distributor who collects the beverage  
12 containers from the dealer or person operating a redemption  
13 center. Currently, the reimbursement amount is 1 cent per  
14 container. The bill requires distributors to pay an additional  
15 1 cent for each collected beverage container that is made of  
16 plastic.

17 The bill appropriates moneys from the general fund of the  
18 state to the department of natural resources for purposes  
19 of administering Code chapter 455C relating to the beverage  
20 container control laws.